IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

MISC.PETITION NO.10 OF 2005

In the matter of Section 7 of the Guardian and Wards Act.

Mrs.Nasim Sultana. ..Petitioner.

Mr.Jagdish Chomal, for petitioner.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 3, 2005.

P.C. :

1. Heard counsel for the petitioner.

2. It is seen that the petitioner being the natural mother of the minors purchased a flat in joint names of the petitioner and the minor daughter(now major) and minor son from her savings being Flat No. 802 on the 8th floor of Whispering Palms No.1 building, Wing C, together with car parking space No.72 at Lokhandwala Township, Off.Akurli Road, Kandivali (E), Mumbai 400 101, by executing agreement for sale dated 30th January, 1996.

3. The petitioner now intends to purchase other

flats at suitable locality at Wadala in the joint names of Petitioner and the minor son and the other flat in the names of petitioner and her daughter and has already made advance payment towards booking amount. Petitioner intends to do so by disposing of flat No.802 at Lokhandwala Township and the sale proceed thereof, shall be utilised for purchase of new flats at Wadala. As the minor has 1/3 share in the subject flat, this petition has been filed by the mother, who is the natural guardian of the minor for extending appropriate permission to enable the petitioner to complete proposed transaction.

4. Taking overall view of the matter, as the petitioner intends to reinvest the amount to be received from the sale proceed of the subject flat, so as to purchase other flats at the suitable locality at Wadala in the joint names of Petitioner and the minor and daughter(major), in the interest of justice and as interest of the minor has to be secured, petition is made absolute in terms of prayer clause (b) and (c).

5. Ordered accordingly.